

REMARKS

Reconsideration of this application is respectfully requested.

Claims 15 and 16 have been canceled. New claims 17 and 18 are derived from canceled claims 15 and 16 and are fully supported by the specification. No new matter enters by amendment.

Claim 15 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chang et al. (U.S. Patent No. 6,001,977), and claim 16 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chang et al. in view of White et al. (U.S. Patent No. 4,677,054). The Examiner contends that it would have been *prima facie* obvious to select applicants' sequence from Chang's sequence.

Applicants traverse the rejection. Applicants' claimed nucleic acid comprises a sequence of the HIV-1 LTR, from position 8561 to 159. U.S. Patent No. 6,001,977 of Chang is a division of application No. 06/693,866 ("the '866 application"), filed January 23, 1985, which is a continuation-in-part of application No. 06/659,339 ("the '339 application"), filed October 10, 1984, which is a continuation-in-part of application No. 06/643,306, filed August 22, 1984. The '339 application (Exhibit 1), filed October 10, 1984, does not contain the sequence of the complete HIV-1 LTR. Rather, as indicated on page 9 and in Fig. 1 of the '339 application, an approximately 200 bp fragment of the HIV-1 LTR is *missing* from the clones. As a result, Chang could not disclose a complete HIV-1 LTR sequence until the '866 application was filed on January 23, 1985.¹ This is *after* applicants' foreign priority date of November 16, 1984, in which applicants

¹ None of the counts in Interference No. 102,822 was drawn to a DNA comprising the HIV-1 LTR sequence.

disclose a complete HIV-1 LTR sequence. Consequently, Chang is not effective prior art with respect to applicants' claimed sequence. Accordingly, applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that this application is now in condition for allowance. In the event that the Examiner disagrees, he is invited to call the undersigned to discuss any outstanding issues remaining in this application in order to expedite prosecution.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: August 1, 2003

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